



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

January 25, 2010

John Winkle
US Department of Transportation
Federal Railroad Administration
1200 New Jersey Avenue, SE
Washington, DC 20590

Re: Tier 1 Richmond-Hampton Roads Passenger Rail Project Draft Environmental Impact Statement (DEIS) December 2009 CEQ # 20090426

Dear Mr. Winkle:

In accordance with the National Environmental Policy Act (NEPA), Section 309 of the Clean Air Act and the Council on Environmental Quality regulations implementing NEPA (40 CFR 1500-1508), the United States Environmental Protection Agency (EPA) has reviewed the subject document. Based on our review of the DEIS, EPA has rated the environmental impacts of the preferred alternative as "EC" (Environmental Concerns) and the adequacy of the impact statement as "2" (Insufficient Information). A description of our rating system can be found at: <http://www.epa.gov/compliance/nepa/comments/ratings.html>. The basis for this rating is contained in the remainder of this letter.

Project Description:

The Richmond/Hampton Roads Passenger Rail Project proposes passenger rail service improvements in the major east-west travel corridor linking Richmond and the Hampton Roads region of Virginia. The corridor is divided by the James River. The project evaluates two principal transportation facilities: the existing CSXT/Amtrak route from Richmond to Newport News north of the James River on the Virginia Peninsula (Peninsula/CSXT) and the Norfolk Southern rail route south of the James River between Petersburg and Norfolk (Southside/NS). No passenger rail service currently operates on the Southside /NS Route being evaluated.

The purpose of this project is to deliver predictable, consistent, and shorter travel times; augment the existing transportation infrastructure; and help relieve highway congestion and freight rail capacity constraints.

Alternatives:

The DEIS evaluates the following alternatives in detail:



- Status Quo- Existing conventional rail on Peninsula/ CSXT route
- No Action- Existing and currently planned conventional rail on Peninsula/ CSXT route
- Alternative 1- New higher speed passenger service on Southside/NS route in addition to existing and currently planned Conventional rail on Peninsula/CSXT
- Alternative 2a- New higher speed passenger service on Peninsula/CSXT route and new conventional speed passenger service on Southside/ NS route
- Alternative 2b-New higher speed passenger service on Peninsula CSXT route

The Build Alternatives would primarily utilize existing rail lines and stay within the railroad right-of-way for both the Peninsula/CSXT and Southside/NS routes, with the exception of one area near Kilby and in the vicinity of several stations, which would require additional right-of-way.

According to the DEIS, Alternative 1 would require a greater capital investment than Alternative 2b, but would be less costly to construct than Alternative 2a. Alternatives 1 and 2a would each require costly infrastructure improvements to the Southside/NS route. Alternative 1 would be more costly to operate and maintain. Alternative 2b would require the least investment in infrastructure. Operating costs for 2b would be less. Alternative 2b is the most cost effective option. Operating deficits would be lower than the other build alternatives. Since the majority of the improvements for alternative 2b would be made within existing right-of-way, adverse environmental impacts would be expected to be negligible.

According to the DEIS, 99 wetland systems are crossed by, or are immediately adjacent to the existing Peninsula/ CSXT rail route. Wetlands range in size from less than one acre to greater than 150 acres. A total of 142 wetland systems are crossed by or immediately adjacent the existing Southside/NS route. The wetlands range in size from less than one-half acre to greater than 20 acres. Details are not provided describing these areas. Precise locations and exact sizes of proposed stations and parking areas are not yet know and will be further evaluated at a later date.

General Comments:

EPA recognizes that this is a Tier 1 document and covers a large project area. It is unclear what will happen at the end this process. The DEIS states that once the Commonwealth Transportation Board selects and approves the alternative it will be indentified in the Final EIS. FRA will then issue a Record of Decision (ROD) naming the selected alternative. The DEIS does not explain how environmental resources will be evaluated and factored into the decision on the preferred alignment. This information should be included in the Final EIS. It is of concern that information on natural resources is insufficient to make an informed decision. It would be useful if the Final EIS would clarify environmental documentation planned to follow the ROD (such as additional EISs or Environmental Assessments).

It appears that the alternatives carried forward in this document will meet the project needs to some extent and will impact a variety of human and environmental resources. Information that should be included in future documents should include the following:

- The DEIS should clearly explain how the build alternatives will meet the needs especially



if the preferred alternative only has one route.

- The DEIS states (page 3-153) that the breakdown of wetland types is provided in Appendix D. Appendix D has consistency information for the Department of Environmental Quality.
- While the DEIS gives an overview of potential impacts it does not give the level of detail to provide an analysis of the impacts. The project team should continue to avoid and minimize impacts from this project.
- The DEIS should provide details of mitigation for all impacts.
- The DEIS should evaluate the impacts of all activities associated with this project including, access roads, storage areas, maintenance, parking, stations, etc.
- The appropriate agencies should be contacted regarding threatened, endangered, and other species of concern annually at a minimum during the course of this project to account for changes in the lists.
- On page ES-27 in a discussion about Capital Costs the DEIS states that “Virginia applied for \$XXX million.” This should be corrected.

Thank you for the opportunity to offer these comments. If you have any questions, please contact Ms. Barbara Okorn at (215) 814-3330.

Sincerely,



Barbara Rudnick
NEPA Team Leader



